IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14515 of 2004

Between:

Dr.M.V.Ramana Reddy, Ex.M.L.A.,S/o.Obula Reddy,
R/o.Rayavaram Village, Proddutur Kadapa Dist.

..... PETITIONER

AND

1 The Superintendent of Police, Kadapa Dist at Kadapa.
2 The Inspector of police II Town Police Station, Proddutur,

Kadapa Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring that the action of the respondent in not filing the charge Sheet in Crime No. 83/2002 on the file of Proddutur II Town police station as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondent No. 2 to file the charge sheet.

Counsel for the Petitioner: MR.T.PRADYUMNA KUMAR REDDY

Counsel for the Respondents: GP FOR HOME

The Court made the following :

ORDER:

The petitioner seeks a declaration that the action of the respondents in not filing the charge sheet in Crime No.83 of 2002 on the file Proddutur II Town Police Station, as arbitrary and illegal.

The petitioner states that he is a former M.L.A of Proddutur Assembly Constituency and that on 15-08-2002, while he was travelling in a car from Proddutur to Rayavaram Village, two country bombs were hurled at him at Mydukur Road. The bombs exploded, resulting in damage to his car. Immediately, the petitioner lodged a complaint before the 2nd respondent-Inspector of Police, II Town Police Station, Proddutur, Kadapa District. He also stated that he suspects one Veera Siva Reddy, M.L.A., from Kamalapuram Constituency and three others. On the basis of the same, the 2nd respondent registered a case in Crime No.83 of 2002 under Section 307 and 3 and 5 of Explosive Substances Act. It appears that during the investigation, the police arrested 13 accused and all of them confessed that they wanted to eliminate the petitioner. The police also seized several country made bombs, sickles from the accused. However, the 2nd respondent did not take any further steps and failed to complete the investigation, even after two years from the date of the remand of accused. In the circumstances, this writ petition is filed contending that the 2nd respondent is deliberately delaying the investigation, as all the accused belong to opposite political party.

On receipt of the notice on behalf of the respondents, the Inspector of Police, Proddutur (Urban) Circle, Kadapa District, filed a counter affidavit stating that in Crime No.83 of 2002, out of 13 accused, 12 accused were arrested during the course of investigation, and that the 4th accused by name, Chenna Ranswaswamy

could not be arrested so far, as he has been absconding since the registration of the case. It is further stated that after completion of investigation, sanction for prosecution from the District Collector to prosecute the accused under Explosive substances Act and for filing of charge sheet was sought for, and the District Collector, Kadapa vide proceedings dated 12-08-2004, has accorded the necessary sanction. In pursuance thereof, a charge sheet is being prepared in consultation with the concerned Assistant Public Prosecutor, and the same will be filed within a period of one month. The other allegations of deliberate inaction on the part of the respondents have been denied.

In the light of averments in the counter affidavit, that the investigation in Crime No.83 of 2002 has already been completed, and the sanction for prosecution has already been obtained from the competent authority,I am of the view that no adjudication is necessary on merits. Accordingly, the writ petition is disposed of, with a direction to the respondents to take up necessary further steps in accordance with law and to file the charge sheet expeditiously. No costs.

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21-09-2004

vs

To

1 The Superintendent of Police, Kadapa Dist at Kadapa.

2 The Inspector of police II Town Police Station, Proddutur,

Kadapa Dist.

3 Two CCs to the G.P for Home, High Court Buildings, Hyderabad(O.U.T)

4 Two CD copies.